

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of the Sacramento Regional Transit District for an Order authorizing the District to construct, modify, maintain and operate a light rail passenger system and Union Pacific Railroad tracks across Mercantile Drive, Mine Shaft Lane, New County Road, Nimbus Road, Aerojet Road, Alabama Avenue, Natoma Station Drive, Blue Ravine Road, Parkshore Drive, Glenn Drive, Natoma Street, Bidwell Street and Sutter Street in the City of Folsom and the County of Sacramento, State of California.

Application 03-05-037  
(Filed May 28, 2003;  
amended September 4, 2003)

**O P I N I O N****Summary**

This decision grants the request of the Sacramento Regional Transit District (District) for authority to construct, modify, maintain, and operate a light rail passenger system and modify the Union Pacific Railroad's (UPRR) track at 15 at-grade highway-rail crossings. Five crossings in the County of Sacramento (County), and two crossings in the City of Folsom (City) will be modified. One new crossing in the County, and six new crossings in the City will be constructed, and one crossing will be closed.

**Discussion**

The proposed project covers approximately 7.2 miles, and involves the modification, construction or closure of 15 at-grade crossings. The District will

file a separate application for the grade-separated crossing of the US 50 freeway. The project will relocate the existing freight track and construct a new light rail track from Sunrise Boulevard through the County and into the City. This will require the relocation of existing UPRR facilities, construction of new light rail facilities and testing of those facilities. Appendix A of this decision summarizes the crossing modifications. The UPRR currently operates one train per day on the line. Upon project completion the District will add 58 daily light rail movements.

The purpose of this project is to:

- A. Improve public transit service in this rapidly growing corridor by providing increased transit capacity and faster, convenient access between downtown Folsom and downtown Sacramento.
- B. Enhance regional connectivity through expanded, interconnected light rail transit services, along the primary travel corridors in the County.
- C. Accommodate future travel demand in the corridor by expanding model options.
- D. Alleviate growing traffic congestion on the US 50 freeway between downtown Sacramento, the community of Rancho Cordova, and the City, and on major parallel arterials in the corridor, such as Folsom Boulevard.
- E. Alleviate growing parking demand in downtown Sacramento and corridor employment centers and the congestion and circulation impacts resulting from increased peak hour traffic.
- F. Improve regional air quality by reducing auto emissions.
- G. Improve mobility options to employment, education, medical, and retail centers for corridor residents in particular low income, youth, elderly, disabled, and ethnic minority populations.

H. Support local economic and land development goals.

The Commission's Consumer Protection and Safety Division-Rail Crossings Engineering Section (RCES) staff inspected each location within the proposed project. RCES reviewed the need for, and safety of, each crossing, particularly examining the following factors. The freight train travels at very slow speed with only one train per day, and the planned light rail service will be approximately every half hour. All crossings do, or will have, active warning devices. The crossings generally have straight approaches, and all but two have adjacent traffic signals with pre-emption. Of the two which do not have traffic signals, Mine Shaft Lane is restricted to a right-in/right-out only configuration. At Sutter Street, vehicular traffic proceeds unrestricted through the intersection adjacent to the crossing while cross traffic must stop. Geometric and environmental constraints make grade separation difficult.

Therefore, RCES finds that the railroad warning devices, and other safety measures will provide adequate safety. Based on the District's assessments and RCES's diagnostic review of each crossing, grade separating these crossings is not necessary at this time.

The project will be financed by State and Federal funds. The project is scheduled for completion in 2005.

The District is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. On March 15, 2000, in compliance with CEQA, the District filed its Notice of Determination (NOD) approving this project and stating that the project will have a significant effect on the environment. Mitigation measures were made a condition of approval of the project.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

RCES has reviewed the Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR) for the Folsom Corridor Project and believes it is adequate for decision-making purposes. Safety, transportation and noise are within the scope of the Commission's permitting process.

Safety impacts were identified in the FEIS/EIR. The impacts are related to the addition of the District's facilities. The District will monitor impacts at major arterial grade crossings and implement operation and signal timing improvements as necessary to minimize vehicle queues that may disrupt cross street traffic.

Noise impacts were identified in the FEIS/EIR. The impacts identified related to light rail vehicle, power substation, and grade crossing noise. The mitigation measures adopted to address these impacts involve installing sound attenuation barriers, sound-insulating affected residences, modifying train operating procedures, and reducing, to the extent possible, the noise emissions of light rail vehicles through shielding, reprofiling of the wheels and other measures.

Transportation impacts were identified in the FEIS/EIR. The impacts involve the displacement of a bikepath in the City, and reducing the level of service at several intersections. The adopted mitigation measures include the City relocating its bike path, and use of near-side grade crossing indicators where at grade crossings are adjacent to light rail stations. The use of near-side grade crossing indicators minimize the amount of time the gates are down when trains must stop to load and unload passengers before crossing the road by delaying the activation of the warning devices. For all but one of the intersections affected, District determined that the intersections are at their ultimate configuration and no improvements are proposed. For the remaining intersection, mitigation measures include striping to provide a left-turn lane, and a shared right-turn lane.

RCES inspected the site of the proposed project. After reviewing the need for and safety of the proposed crossing, the staff recommends that the requested authority be granted for a period of four years as requested by the District. With respect to the potentially significant safety, noise and transportation impacts identified above, the Commission finds that the District adopted feasible mitigation measures to either eliminate or substantially lessen those impacts. We will adopt the District's environmental findings and mitigations for purposes of our approval.

Application 03-05-037 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 40, which relates to the construction of a railroad track across a public highway, and Rule 39, which relates to the alteration of an existing crossing.

In Resolution ALJ 176-3114 dated June 5, 2003, the Commission preliminarily categorized this application as ratesetting, and preliminarily

determined that hearings were not necessary. No protests have been received. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3114.

Notice of the application was published in the Commission's Daily Calendar (CDC) on May 30, 2003. The District filed an amendment to their application on September 4, 2003; the notice of which was published in the CDC on September 10, 2003, which replaced the plan for Nimbus Road. Subsequently, on October 27, 2003, the District filed a second supplement to the application replacing the same plan.

The District requested the order become effective immediately. This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. Notice of the application was published in the CDC on May 30, 2003. No protests have been filed.
2. The District filed an amendment to their application on September 4, 2003; the notice of which was published in the CDC on September 10, 2003. The amendment replaced the plan for Nimbus Road. Subsequently, on October 27, 2003, the District filed a second supplement to the application replacing the same plan.
3. The District requests authority, under Public Utilities Code Sections 1201-1205, to construct, modify, maintain, and operate across 15 crossings.

4. The District crossings to be constructed are Mercantile Drive (083E-15.28), Mine Shaft Lane (083E-16.19), New County Road (083E-16.83), Nimbus Road (083E-17.68), Aerojet Road (083E-18.11), Alabama Avenue (083E-18.52), Iron Point Road (083E-19.42), Natoma Station Drive (083E-19.59), Blue Ravine Road (083E-20.36), Parkshore Drive (083E-20.68), Glenn Drive (083E-21.02), Bidwell Street (083E-21.29), Natoma Street (083E-21.53) and Sutter Street (083E-21.80).

5. The UPRR crossings to be modified are Mercantile Drive (001AH-105.06), Mine Shaft Lane (001AH-106.00), and Nimbus Road (001AH-107.50).

6. The UPRR crossing to be constructed is New County Road (001AH-106.65).

7. The UPRR crossing to be closed is Bureaucrat Way (001AH-106.66).

8. Public convenience, safety, and necessity require the modification of the subject crossings.

9. Public safety requires that the crossings be equipped with warning devices as summarized in Appendix A of this decision, and in accordance with General Order 75-C.

10. The District is the lead agency for this project under CEQA, as amended.

11. The Commission is a responsible agency for this project and has reviewed and considered the District's environmental documentation specified in this decision, and finds the documentation adequate for decision-making purposes.

12. On March 15, 2000, the District filed its NOD approving the project and found that the Downtown Sacramento - Folsom Corridor Project would have a significant effect on the environment.

13. Safety, transportation and noise are within the scope of the Commission's permitting process.

14. The Commission finds that for each potentially significant impact related to safety, transportation, or noise, the District adopted feasible mitigation measures to either eliminate or substantially lessen those impacts.

**Conclusions of Law**

1. The application is uncontested and a public hearing is not necessary.
2. The application should be granted as set forth in the following order.

**O R D E R****IT IS ORDERED** that:

1. The Sacramento Regional Transit District (District) is authorized to construct, modify, maintain, and operate across 15 crossings, at the locations and as shown on the plans attached to the application, and delineated in Appendix A of this decision.
2. The crossings shall be identified as described in Appendix A of this decision.
3. The crossings shall be equipped with warning devices as described in Appendix A of this decision and as shown on the plans attached to the application, in accordance with General Order 75-C.
4. Construction and maintenance costs shall be borne in accordance with agreements entered into between the District, Union Pacific Railroad, County of Sacramento, and City of Folsom (parties). Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.
5. Within thirty (30) days after completion of the work under this order, the District shall notify Rail Crossing Engineering Section in writing, by submitting a



completed Standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), that the authorized work was completed.

6. This authorization shall expire if not exercised within four years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

7. This application is granted as set forth above.

8. Application 03-05-037 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

APPENDIX A  
CROSSING MODIFICATIONS

<b>Street Name and CPUC Crossing No.</b>	<b>Existing Warning Devices<sup>1</sup></b>	<b>Proposed Warning Devices</b>	<b>Existing Track(s)</b>	<b>Proposed Track(s)</b>	<b>Work Summary</b>
Mercantile Drive 001AH-105.06 083E-15.28	2 x Std 9A	1 x Std 9A 1 x Std 9 2 x Std 8 1 x AAW <sup>2</sup>	1 FREIGHT	1 FREIGHT 2 LRT <sup>3</sup>	Shift the freight track, add two LRT tracks and install a traffic signal with pre-emption on Folsom Boulevard.
Mine Shaft Lane 001AH-106.00 083E-16.19	2 x Std 9A	2 x Std 9 1 x Std 8 1 x AAW	1 FREIGHT	1 FREIGHT 2 LRT	Shift the freight track, add two LRT tracks.
New County Road 001AH-106.65 083E-16.83	none	1 x Std 9A 1 x Std 9 1 x Std 8 1 x AAW	none	1 FREIGHT 2 LRT	Shift the freight track, add two LRT tracks and install a traffic signal with pre-emption on Folsom Boulevard.
Bureaucrat Way 001AH-106.66	2 x Std 9	none	1 FREIGHT	none	Close Crossing

<sup>1</sup> Unless otherwise noted, all Standards (Std) refer to the Commission's General Order 75-C.

<sup>2</sup> Active Advanced Warning (AAW) as specified in the engineering drawings. A W10 sign with yellow flashers.

<sup>3</sup> Light Rail Transit (LRT).

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Nimbus Road 001AH-107.50 083E-17.68	2 x Std 8	1 x Std 9A 2 x Std 9 1 x AAW	2 FREIGHT	1 FREIGHT 1 LRT	Remove freight siding track, add one LRT track and install pre-emption with the existing traffic signal.
Aerojet Road 083E-18.11	2 x Std 8	2 x Std 9A 1 x AAW	1 FREIGHT	1 LRT	Remove freight track, add one LRT track and install traffic signal with pre-emption on Folsom Boulevard.
Alabama Avenue 083E-18.52	2 x Std 9 2 x Std 8	2 x Std 9A 1 x AAW	1 FREIGHT	1 LRT	Remove freight track, add one LRT track and install pre-emption with the existing traffic signal.
Iron Point Road 083E-19.42	none	1 x Std 9A 3 x Std 9 1 x AAW	none	1 LRT	Construct one LRT track and install pre-emption with the existing traffic signal.
Natoma Station Drive 083E-19.59	none	1 x Std 9A 3 x Std 9 1 x AAW	none	1 LRT	Construct one LRT track and install pre-emption with the existing traffic signal.

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Blue Ravine Road 083E-20.36	1 x Std 9 1 x Std 8	2 x Std 9A 2 x Std 9 1 x AAW	1 FREIGHT	1 LRT	Remove abandoned freight track, construct one LRT track and install pre-emption with the existing traffic signal.
Parkshore Drive 083E-20.68	2 x Std 9	1 x Std 9A 2 x Std 9 2 x Std 8 1 x AAW	1 FREIGHT	1 LRT	Remove abandoned freight track, construct one LRT track and install pre-emption with the existing traffic signal.
Glenn Drive 083E-21.02	none	1 x Std 9A 3 x Std 9 1 x AAW	none	1 LRT	Construct one LRT track and install pre-emption with the existing traffic signal.
Bidwell Street 083E-21.29	none	2 x Std 9 1 x AAW	none	1 LRT	Construct one LRT track and install traffic signal with pre-emption. Remove adjacent abandoned freight siding track.
Natoma Street 083E-21.53	none	1 x Std 9A 2 x Std 9 1 x Std 8 1 x AAW	none	1 LRT	Construct one LRT track and install pre-emption with the existing traffic signal.

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Sutter Street 083E-21.80	none	1 x Std 9A 1 x AAW	none	2 LRT	Construct two LRT tracks.